

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

Case No. 2:22-cv-00125-JRG

AGREED MOTION TO AMEND DOCKET CONTROL ORDER

Plaintiff Entropic Communications, LLC, with Defendant Charter Communications, Inc.’s agreement, hereby moves to amend the Docket Control Order (Dkt. 40), in its current form of the Fourth Amended Docket Control Order (Dkt. 154), to extend the deadline to complete expert discovery by fourteen (14) days.

Good cause exists for this extension due to the need to incorporate information from a recent third-party deposition and a deposition of Entropic’s damages expert Stephen Dell into supplemental expert reports and the expert discovery schedule (*see* Dkt. 160 (approving certain out-of-time discovery)). Since the last Agreed Motion to Amend the Docket Control Order (Dkt. 153), Entropic took the deposition of third party Vantiva USA LLC’s (“Vantiva”) pursuant to the Court’s order granting leave (*see* Dkt. 160), and Charter took the deposition of Entropic’s damages expert Stephen Dell both on September 6, 2023. As noted in Entropic’s unopposed motion for leave to take the deposition of Vantiva, the parties have agreed to supplementation of expert reports based on this deposition. This extension will allow the parties to agree on a comprehensive expert supplementation schedule that allows both sides to address or rebut necessary issues and still present timely dispositive motions or motions to strike to the Court on a briefing schedule that will

close several weeks in advance of the October 30, 2023 pretrial conference. Specifically, the parties have agreed that Charter's damages expert Christopher Bakewell will supplement his expert report in rebuttal no later than September 12, 2023, Entropic's damages expert Stephen Dell will supplement his expert report in light of the Vantiva deposition no later than September 15, 2023, and Charter's damages expert Christopher Bakewell will provide a second supplement to his expert report in rebuttal to Mr. Dell's September 15th supplement on September 21, 2023. This proposed amendment avoids what would otherwise likely be competing opposed motions for leave or to strike supplementation occasioned by the recent fact discovery.

This extension will not affect the pretrial conference or the trial date in this action. Counsel for the Parties have conferred on this extension and are in agreement.

Accordingly, the Parties respectfully request that the Court amend its Docket Control Order to extend the deadline to complete expert discovery by fourteen (14) days. This extension is reflected in the proposed Amended Docket Control Order submitted herewith.

Dated: September 7, 2023

/s/ James Shimota (with permission)

James Shimota

Jason Engel

George Summerfield

Devon Beane

K&L GATES LLP

Suite 3300

70 W. Madison Street

Chicago, IL 60602

Jim.shimota@klgates.com

Jason.engel@klgates.com

George.summerfield@klgates.com

Devon.beane@klgates.com

Nicholas F. Lenning

K&L GATES LLP

925 Fourth Avenue, Suite 2900
Seattle, WA 98104-1158
Nicholas.lenning@klgates.com

Darlene Ghavimi
Matthew Blair
K&L GATES LLP
2801 Via Fortuna
Suite #650
Austin, Texas 78746
Darlene.ghavimi@klgates.com
Matthew.blair@klgates.com

Wesley Hill
Texas Bar No. 24032294
Andrea Fair
Texas Bar No. 24078488
WARD, SMITH & HILL, PLLC
1507 Bill Owens Pkwy
Longview, TX 75604

Attorneys for Plaintiff Entropic Communications, LLC

/s/ Elizabeth Long
Deron R. Dacus
Texas Bar No. 00790553
The Dacus Firm, P.C.
821 ESE Loop 323, Suite 430
Tyler, TX 75701
ddacus@dacusfirm.com

Daniel L. Reisner
David Benyacar
Elizabeth Long
Albert J. Boardman
Melissa Brown
Jacob Bass
ARNOLD & PORTER KAYE SCHOLER LLP
250 West 55th Street
New York, New York, 10019-9710
Telephone: (212) 836-8000
Email: daniel.reisner@arnoldporter.com
Email: david.benyacar@arnoldporter.com
Email: elizabeth.long@arnoldporter.com
Email: albert.boardman@arnoldporter.com
Email: melissa.brown@arnoldporter.com
Email: jacob.bass@arnoldporter.com

Marc A. Cohn
Amy L. DeWitt
Paul I. Margulies
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Avenue NW
Washington, DC 20001-3743
Email: marc.cohn@arnoldporter.com
Email: amy.dewitt@arnoldporter.com
Email: paul.margulies@arnoldporter.com

Attorneys for Defendant Charter Communications, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service on this the 7th day of September, 2023.

/s/ Elizabeth Long
Elizabeth Long

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies pursuant to Local Rule CV-7(i) that the relief requested in this motion is agreed.

/s/ Elizabeth Long
Elizabeth Long